

**PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2005**

KENAI FJORDS NATIONAL PARK

PREAMBLE

The proposed compendium was available for comment from January 1 – February 15, 2005. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received a comment from an incidental business permit holder, consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, and general comments from the State of Alaska.

GENERAL COMMENTS:

Determinations:

The State of Alaska (State) recommended that the National Park Service (NPS) consolidate all determinations for each park as an attachment to the compendium, unless needed in the body of the document to clarify intent or provide an educational component. The State noted that the development and formatting of the justifications is an evolving process towards better determinations.

The National Park Service (NPS) will incorporate the State's suggestion by attaching lengthier determinations to the compendium, either in the document itself or as a separate attachment. Shorter determinations will accompany an individual compendium entry to facilitate reader understanding or provide an educational component.

Use of state law

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases. Although the mission of the National Park Service and the objectives of the State of Alaska will sometimes conflict, we appreciate the opportunity to work cooperatively with the State where ever possible.

Compendiums as educational tools:

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education and to encourage responsible behavior. It should be noted, however, that the primary purpose of the compendiums is to serve as a compilation of designations, closures, openings and other

restrictions. Where possible, and not conflicting with the primary purpose, educational material may be used.

Converting compendium entries into regulation

The State suggested converting several compendium entries into regulation if it appears those entries are reasonable and not likely to change over time.

The NPS appreciates the support to move some compendium entries to regulation, and will be guided by the determining criteria at 36 CFR 1.5, 13.30 and other relevant sections or those items where regulations would better serve the conservation of resources and visitor's ability to enjoy the parks,.

36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS:

2.10(d) Food storage – designated areas and methods

TWS/NPCA/ACE supported the proposed changes in Kenai Fjords and Lake Clark's compendiums clarifying what type of containers qualify as bear resistant food containers and supported the concept of keeping bears wild and visitors safe by keeping bears away from human food.

The State of Alaska recommended a consistent approach, where necessary and applicable, to listing approved bear resistant food containers and the opportunity to discuss and change requirements as emerging technologies arise. The State encouraged the use of state law and continued dialogue on best food storage methods. The State objected to blanket, park-wide requirements. The State commented on a perceived technical problem with the use of the terms "wire or branch." The State encouraged the use of the compendium as an educational tool on the food storage issue.

The NPS appreciates the support of the proposed Kenai Fjords and Lake Clark entries. The NPS believes that some parks may be able to narrow the scope of where food storage is required, but recognizes due to logistical concerns and the differences in parks, that that goal may not be achievable. The NPS is encouraged that continuing dialogue, along with new technology, will continue to positively influence this issue, protecting both park resources and visitors without unduly burdening park visitors. The NPS concurs that education is an important component to this issue. The technical issue of terms will be addressed, using the term "line" instead of "wire" to avoid confusion.

The State also requested that parks that offer Bear Resistant Containers for free of charge notify the public of this in the compendium. The NPS will adopt this recommendation.

Several parks will also adopt the Bear Resistant Container definition.

2.14(a)(5)

The State commented that this section contained an editing error. The inadvertent error has been corrected.

2.15(a)(1) Pets

The State of Alaska prefers a course of rule making as opposed to compendium restrictions on pets, noting their opposition to the backcountry prohibition at Denali, complementing Kenai Fjords for limiting temporally and spatially the restrictions, and Glacier Bay for seeking further public comment on their pet compendium entry. The State believes that rule making would allow for greater public input. The State acknowledges that in some instances and with certain caveats, site-specific pet prohibitions may be warranted if resource impacts outweigh the public's desire to allow pets.

TWC/NPCA/ACE supports the restrictions of pets in Denali's backcountry and believes all parks should receive similar protection; pets should be limited to roads, parking lots and campgrounds to protect Alaska's outstanding populations of wildlife.

While the NPS believes that the current regulations give the parks adequate means to manage pets, we are willing to consider specific rulemaking appropriate for Alaska national parks. We hope to include Denali, along with Kenai Fjords and Glacier Bay in a Phase II special regulation package. In the meantime, we intend to implement the proposed language for this section.

The State specifically commented on what appears to be no off-pavement designated dog-walking areas in the Exit Glacier Study area and prohibitions in areas away from development.

The park believes that the median strips in the parking area, long used by dog walkers, are sufficient for this purpose. Those pet owners that wish to walk or run their pets have ample opportunities immediately adjacent to the park and frequently avail themselves to this opportunity just outside park boundaries.

2.18(c) Snowmobiles: designated areas for use

TWS/NPCA/ACE commented that this section was omitted from Kenai Fjords, Sitka and Klondike Gold Rush and recommended this section be retained.

The parks will retain this section in their compendiums.

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

TWS/NPCA/ACE recommended that this section be added to the Kenai Fjord's compendium.

The park has chosen to not address the many compendium entries that are not applicable or where there are no designations. This decision was made to make the compendium shorter and clearer. There are no designations for this section and this is not a critical issue for the park, so the entry will be omitted.

3.20(a) Water skiing; designated waters

TWS/NPCA/ACE opposed the opening of Denali, Gates of the Arctic, Yukon Charley and Kenai Fjords to water skiing. They also commented on Sitka dropping this entry. Additionally, they recommended that Glacier Bay, Katmai, Wrangell-St. Elias, Western Arctic, Lake Clark and Klondike close their waters to skiing.

Denali, Gates of the Arctic, Yukon Charley and Kenai Fjords were unintentionally shown as open in the proposed compendium. They will remain closed. Sitka does not have jurisdiction over waters off the coast, therefore the entry was dropped as not relevant. The parks currently open to water skiing will weigh their existing use versus the default prohibition on water skiing and develop a determination to continue water skiing or use the default prohibition. Water skiing is on a very small scale, if it exists at all. If water skiing becomes a problem – such as a safety concern, conflict with user groups or resource concerns - it can be addressed in future compendiums. For some parks, the determination to open to water skiing is a long standing one; other parks over the last several years determined to allow the activity as a very small number of individuals have water skied, for instance, on Fourth of July. It is within the authority of individual Superintendent's to designate areas open if that is appropriate in their individual areas. Parks will continue to evaluate this on a park-by-park basis.

13.17(e)(5)(i) Designated cabins for general public use.

The State recommended that parks adopt language giving the public short term authority to use the cabins for up to 14 days, similar to language used in the Glacier Bay compendium.

Several parks will follow the Glacier Bay proposed language, including Kenai Fjords. Because there are significant differences in cabin management between the parks in Alaska for a variety of reasons, a one-size-fits-all course of action is not possible for all parks.

13.18(a)(1) Temporary closures and restrictions to camping The State objected to the camping closure as overly broad. The State also commented that directing campers to rock scree could result in campers “excavating” to make a flat tent spot. Additionally, the State commented that this provision should be promulgated as a regulation since it appears to be permanent.

The NPS agrees with the comment concerning rock scree and will remove this term. The restriction on camping within 1/8 mile of a trail was analyzed and commented upon during the development of the Exit Glacier Area Plan and the related Environmental Assessment and FONSI for that plan. Along with other elements of this plan, this topic will be considered for regulation in Phase II or III of the regional special regulations process.

**KENAI FJORDS NATIONAL PARK
COMPENDIUM
2005**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations where the Superintendent has exercised discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Kenai Fjords National Park, Seward, Alaska at (907) 224-7500, for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

(a)(1) Visiting hours, public use limits, closures

The riding or use of bicycles, unicycles, skateboards, roller skates, in-line skates, or similar devices is prohibited on the deck and sidewalks of the Visitor Center / Headquarters building and on the main trail to the glacier, the Nature Trail, and the Glacier Overlook Loop in the Exit Glacier Study Area¹. These trails are shown on the attached map.

This restriction is based on the determination that public safety is threatened by the use of these devices in these crowded pedestrian areas. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

(a)(2) Designated areas for specific use or activity or conditions

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

¹ The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

1.6(f) Compilation of activities requiring a permit

- Scientific research, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Cabins on federal lands-
 - General use and occupancy, 13.17(e)(1), (2)
 - Cabins otherwise authorized by law, 13.17(e)(8)
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(b) Designated trails

On the Harding Icefield trail, leaving the trail to shortcut between portions of the same trail is prohibited, except in areas that are covered with snow or unvegetated rock or scree. Hikers shall remain on the designated trail in all areas where the trail passes through alpine tundra vegetation.

Except as noted above and in §1.5(a)(1), all areas of the park are open to hiking and walking.

This restriction serves to protect plant and soil resources and public investment in trail development from damage. Hikers cutting switchbacks along the heavily used trail easily damage shallowly rooted vegetation on steep slopes. Heavy rain and snow then erodes these denuded areas, eliminating topsoil required by plants and destroying the trail, which must then be rebuilt to allow access to this popular hiking area. A written determination of need per 36 CFR § 1.5(c) is attached.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks

All areas are designated as open for fishing from motor road bridges and boat docks.

2.10(a) Camping: conditions and permits

Registration is recommended, but not required, prior to any backcountry camping within Kenai Fjords National Park.

Superseded in part by 13.18(a), 13.67(b).

2.10(d) Food storage: designated areas and methods

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (<http://www.fs.fed.us/r1/wildlife/igbc/>);
- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snrm/wildlife/sibbwg.htm>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent;
- Park provided metal food lockers at some coastal campsites; and
- Items approved by the Superintendent.

(2) Food and beverages, food and beverage containers, garbage and harvested fish must be stored in a bear resistant container (BRC) or secured--

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, or other object.

(3) At the Exit Glacier Campground all food preparation, cooking and eating shall be done in the campground cooking shelter. No food items shall be taken to, consumed, or stored at the individual campsites.

(4) This regulation does not apply--

- On the Harding Icefield when surrounded by snow or ice for at least 1 mile in all directions;
- To food that is being transported, consumed or prepared for consumption; and
- To clean dishes and cooking equipment free of food odors.

The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc.) and unmodified kayaks are not generally approved as BRC. BRC's are available for rent from commercial outfitters in Seward.

A written determination of need per 36 CFR § 1.5(c) is attached.

2.13(a)(1) Fires: designated areas and conditions

- Fires in the Exit Glacier Study Area² are allowed only in the designated steel fire rings that are provided at the campground cooking shelter and the picnic shelter and warming hut adjacent to the main parking lot.
- All trash (i.e., tin foil, burnt food, glass, and cans) must be removed from fire sites after use.

These requirements are intended to ensure that the visual and ecological impacts of campfires and cooking fires are limited in high use areas. Fire rings attract trash and food residue as campers attempt to burn trash before leaving the area. High temperature impact soils and impairs plant growth. Trampling and soil compaction occurs around fire rings as well. A written determination of need per 36 CFR § 1.5(c) is attached.
See also 13.67(c)(3), (4).

2.14(a)(2) Sanitation and refuse: conditions using government receptacles

Dumping of refuse brought into the park in the NPS trash receptacles is prohibited unless otherwise authorized by the Superintendent.

This requirement is intended to ensure the refuse handled by the park is generated by activities occurring within the park. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.14(a)(5) Sanitation: designated areas for bathing and washing

The pit toilets at the Exit Glacier Campground and at coastal public use cabins are designated for the disposal of wastewater from dishwashing and bathing activities. Bathing is not permitted in the restrooms adjacent to the main parking area at Exit Glacier.

2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas

Solid human body waste will either be removed as trash or deposited in cat-holes dug at least 100 feet from any surface freshwater source, shoreline, campsite or trail. Catholes

² The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

must be at least 6 inches deep. If frozen or snow covered ground precludes use of catholes, waste should be removed as trash.

This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste

Toilet paper will be burned or removed as trash.

2.15(a)(1) Areas designated as closed to pets

Pets are prohibited in the Exit Glacier Study Area³ except on the paved road and parking lots, in all public use cabins, housing, and in all park administrative facilities. Pets are prohibited on the coast within the area extending from the mean high tide line to one quarter mile inland (see attached map) from April 1 through November 1. These restrictions do not apply when sufficient snow exists for skiing or dog sled use, provided that the dog(s) are restrained as part of a sled dog team or for the purposes of skijoring, nor to Service animals at any time.

In all other areas, pets must be leashed or physically restrained at all times.

These restrictions serve to protect park wildlife and visitors from the negative impacts of domestic animals. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters and attached.

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited.

2.18(c) Snowmobiles-designated areas for use

No areas are designated for snow machine use.

Superseded in part by 43 CFR 36.11(c) Special access.

2.19(a) Winter activities on roads and in parking areas: designated areas

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities listed in §2.19(a).

2.21 Smoking

Smoking is prohibited in all park facilities, in all public use cabins, and in any other park structure. Smoking is prohibited in any NPS owned or leased vehicle, and on any park vessel. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facilities.

³ The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

These restrictions are intended to protect public health from the effects of smoking and minimize the risk of fire and explosions around fuel storage and dispensing facilities. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

2.51(e) Public assemblies/meetings: designated areas for public assemblies

- Exit Glacier parking lot, the small plaza bounded by the recreational vehicle parking lot on the northeast, the car parking lot on the northwest, and the bus traffic lane and handicapped parking area on the south. See attached map.
- Seward Visitor Center - The graveled area behind the building, bounded by the following perimeter: a line running east from the rear public entrance to the northern-most interpretive kiosk, then north to the fire hydrant on the south side of the paved fire lane, then west to the northeast corner of the Visitor Center building. See attached map.

2.52(e) Sale and distribution of printed matter: areas designated for such use

- Exit Glacier – An area bounded by the western edge of the parking lot entry road on the east, an east-west line between the northern most disabled parking space and the large boulder in the plaza on the north, a north-south line between the large erratic boulder in the plaza and the southern edge of the paved plaza to the west, and the edge of the paved plaza on the south. See attached map.
- Seward Visitor Center – The graveled area behind the building, bounded by the following perimeter: a line running east from the rear public entrance to the northern-most interpretive kiosk, then north to the fire hydrant on the south side of the paved fire lane, then west to the northeast corner of the Visitor Center building.

2.60(a)(3) Designated areas for grazing

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit. Any feed brought in must be “weed-free.”

These restrictions seek to lessen the impact of extended camps on vegetation and minimize the risk of nonnative plant invasion.

2.62(b) Memorialization: designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.20(a) Water skiing: designated waters

No waters are designated as open.

3.21(a)(1) Swimming and bathing: areas designated as closed

All areas are open to swimming. No designated bathing locations.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.21(b)-(c) Speed limits: designation of a different speed limit

The speed limit on Exit Glacier Road from the park boundary to the Exit Glacier Parking Lot is 35 mph.

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 13. ALASKA REGULATIONS

SUBPART A – PUBLIC USE AND RECREATION

13.17(e)(5)(i) Designated cabins or other structures for general public use

The following cabins are designated for public use:

Holgate Arm Cabin

Aialik Bay Cabin

North Arm Cabin

Willow Cabin (October 15 – April 15)

All other cabins, not otherwise under NPS permit, are open for short-term public use (less than 14 days/year).

13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins

A Special Use Permit is required for occupancy of any designated public use cabin.

See also 13.67(c).

13.18(a)(1) Temporary closures and restrictions to camping

In effect from March 1st-November 1st

- Camping within the Exit Glacier Study Area⁴ is prohibited within 1/8 mile of any road or trail, with the exception of designated sites in the Exit Glacier Campground. Camping more than 1/8 mile from a road or trail but within the Exit Glacier Study Area is allowed only on areas that are covered with snow or unvegetated rock

These restrictions serve to protect plant and wildlife resources in the heavily used Exit Glacier and coastal public use cabin areas by limiting group size and prescribing camp locations in these areas to avoid fragile alpine or coastal vegetation. They also serve to protect the recreational experience of all visitors by limiting time any one group can occupy a site and preventing camping directly on or in immediate sight of the heavily used Harding Icefield Trail or day use areas adjacent to Exit Glacier. A written determination of need per 36 CFR § 1.5(c) is attached.

13.18(a)(3) Designated campgrounds: restrictions, terms, and conditions

⁴ The Exit Glacier Study Area is the study area of the Exit Glacier Visitor Experience and Resource Protection (VERP) Plan, also called the Exit Glacier Plan. See attached map.

No more than 6 persons and/or 2 tents may occupy a single campsite in the Exit Glacier Campground. Tents are allowed only on designated tent pads as marked by rock borders, gravel pads, signs, or similar devices.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures to the use of snowmachines for traditional activities

The Superintendent will notify the public when snow cover is adequate for the Park to allow snowmachine use each winter season. The public will also be notified of any changes in conditions (inadequate snow cover) resulting in any temporary closures or restrictions on snowmachine use and or re-openings following such temporary closures or restrictions.

See also 2.18.

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft

A permit is required from the Superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

This requirement allows the superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

Please see the attached appendices for maps and/or more extensive determinations below.

This compendium is approved and supercedes all previous editions:

Jeff Mow, Superintendent

Date

February 25, 2003

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Prohibition of Pets in backcountry areas – 36 CFR 2.15

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c), the Superintendent of Kenai Fjords National Park has determined that in order to provide for the protection of resources and public safety it is necessary to prohibit pets from all areas of the park except the Exit Glacier Road and parking lot. This prohibition does not apply to dogs harnessed for a dog sled or skijor team in winter or to working service animals.

The reasons for this restriction are as follows:

1. While traveling or hiking with pets may be a positive experience for the owner, pets frequently have negative impacts on park resources, notably wildlife, and on the experience of other visitors. These impacts include, but are not limited to, noise, pursuit, harassment, defecation, and scent marking of wildlife habitat. Even leashed pets bark, defecate, and urinate.
2. Potentially dangerous wildlife such as moose and bears may engage pets – either chasing and attacking, or being chased. Pets chasing wildlife is unacceptable harassment, while pets chased by wildlife will frequently return to their owner, creating a risk to human safety and an unnecessary expenditure of caloric energy on the part of the wildlife.
3. The use of pets is not required in order to have a positive recreational experience. It is optional. In those cases where a pet facilitates access (e.g. Service animals and winter activities such as mushing) the use of such pets is allowed.
4. The backcountry contains two types of terrain which is readily used by visitors. These are the snow covered Harding Icefield, and small, isolated coastal beaches and limited adjacent forested land, separated and surrounded by cliffs and glaciers. Use of harnessed pets for mushing or skijoring on the Harding Icefield would be allowed by this restriction. Use of coastal beaches and adjacent uplands above the mean high tide line would not be allowed.
5. Current and ongoing research into both Black and coastal Brown Bear populations and behavior within the park confirms that these isolated beaches are very important forage habitat for bears. Visitors introducing pets into this environment are typically pleasure boaters who travel with dogs and take them ashore to let them run loose and exercise free of the confines of the boat.

6. Nesting shorebirds lay eggs directly on beaches just above the tidal zone during early summer. Pets, leashed or unleashed, may disturb eggs and / or frighten adult birds from the nest.
7. Popular anchorages may see multiple boats / dogs on a nice weekend, which in turn equates to several hours of lost foraging time for wildlife.
8. The park is surrounded by other public land, such as the Chugach National Forest, and Alaska State DNR land, where pets are allowed in keeping with the respective missions and legal mandates of those agencies. Rangers routinely direct pet owners to those alternate sites to accommodate their recreational activities while fulfilling the strict wildlife protection mandate of the National Park Service.
9. This restriction will allow the National Park Service to fulfill this mandate and protect visitors while still allowing access when conditions permit.

The reasons less restrictive measures will not be effective are as follows:

1. Any pet in a park area, even where allowed, must be on a leash or under direct physical control at all times. While this measure may prevent pursuit and harassment of wildlife and other visitors, it does not prevent barking, defecation, or scent marking through urination, all of which may disturb wildlife of all types.
2. Further, Rangers issue approximately 100-200 warnings and approximately 3-5 tickets annually for pets off leash and / or in closed areas despite extensive signing and published educational material in the park newspaper, brochures, and on bulletin boards. When contacted, roughly 30-40% state that they were unaware of the rules, while 60-70% state that they knew the rules regarding leashes but chose not to comply unless confronted by authority.
3. The experience of these rangers indicates that leash laws in backcountry areas would be generally ignored. It would be better to maintain a standard policy that pets are generally inappropriate in National Park Service backcountry settings and that other accommodations should be made for them.

Signed:

Jeff Mow
Superintendent

W42

October 18, 2002

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Use of bicycles, unicycles, roller skates, skateboards, and similar devices

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c), the Superintendent of Kenai Fjords National Park has determined that in order to protect public safety it is necessary to prohibit the use of these devices on any porch or deck of the Headquarters building and Visitor Center in Seward and on the main trail, Nature Trail, and Overlook Loop Trail in the Exit Glacier area.

The reasons for this restriction are as follows:

1. Large numbers of pedestrians, including those with limited mobility, use these decks to access Park Headquarters and the Visitor Center.
2. These decks are small and frequently crowded. Pedestrians may be struck by wheeled vehicles or their users or may be injured trying to quickly move out of the path of such vehicles.
3. These decks do not represent a significant access route for wheeled vehicles to the park or its resources.
4. Bicyclists, skateboarders, and roller skaters enjoy using the raised deck as a recreational site, making high speed runs and jumps across and over it.
5. Vehicles parked adjacent to the deck are commonly damaged when these skaters or bicyclists strike them, and the flagpole on the deck has suffered several hundred dollars in damage from skateboard use in the last 3 years.
6. The main trail at Exit Glacier is paved with asphalt between the parking lot and a point about ¼ mile from the terminus. This path is approximately 7 feet wide and makes an attractive recreation area for bicyclists and skaters.
7. This use has increased significantly over the last year since the Exit Glacier Road has been paved in its entirety.

8. Almost all visitors to the glacier use this main path, and it is often crowded, especially in summer months. This crowding makes it unsafe to ride a bicycle or skate, as pedestrians may be struck and injured.
9. The Nature Trail and Overlook Loop Trail are both narrow (1-3 feet wide) and unpaved, with rough uneven surfaces and terrain varying from nearly flat to very steep. Heavy vegetation along the trails severely limits sight distance.
10. Bicyclists or skaters on these trails readily overtake hikers and may have difficulty stopping due to steep slopes. To avoid collision, cyclists or skaters would be required to leave the trail into the vegetation and risk injury.
11. Moose and bear are common on these trails daily from late spring through late fall. Cyclists and skaters risk injury to themselves should they cause a surprise encounter on these trails.

The reasons less restrictive measures will not be effective are as follows:

1. The limited space on the decks and trails does not allow for separation of uses by area or zone.
2. Implementation of restrictions such as speed limits in lieu of prohibition is impractical and enforcement would be extremely difficult and expensive.
3. The area involved is relatively small and there is little demand for recreational cycling and skating relative to the high use of the area by pedestrians, including families with small children, school groups, organized tours, and Elderhostel program.

Signed:

Jeff Mow
Superintendent

October 18, 2002

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Cutting switchbacks on the Harding Icefield Trail

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.1(b), the Superintendent of Kenai Fjords National Park has determined that in order to prevent adverse impacts to park resources, hikers using the Harding Icefield Trail are prohibited from leaving the trail to shortcut between portions of the same trail (ie “cut switchbacks”).

The reasons for this restriction are as follows:

1. The Harding Icefield Trail is located on a steep mountain ridge, and ascends over 3000 vertical feet in approximately 3.5 miles.
2. This area receives heavy rain and snowfall annually, resulting in large quantities of water washing down the slope and across the trail on a regular basis.
3. Roots of vegetation naturally occurring on the slopes protects soil from erosion and slows water to limit trail damage. This vegetation is not resilient and is easily damaged or killed by limited numbers of hikers stepping on it.
4. The trail is designed with switchbacks, waterbars, similar features to prevent this running water from damaging the trail and causing undue erosion to surrounding soils.
5. Hikers leaving the trail damage or kill adjacent vegetation and leave bare soil. Where this occurs on steep slopes, such as between switchbacks, it provides a natural watercourse. Fast moving water, not slowed by vegetation, removes soil and thus hampers natural revegetation.
6. This waterflow also damages lower sections of trail, requiring repair and replacement of tread material, switchbacks, and other features. This repair work is time and labor intensive due to its remote location and thus is very expensive.
7. Prohibiting off trail hiking between switchbacks limits resource damage, management expense, and improves hiker safety.

The reasons less restrictive measures will not be effective are as follows:

1. Hiker education has been undertaken since the trail was constructed and will continue with this prohibition in place. While education alone has undoubtedly limited this activity, it has not stopped it entirely.
2. Signs, bulletin boards, park maps and handouts, and personal contact have been and continue to be used to educate and warn hikers of this problem.
3. When employees encounter hikers cutting switchbacks, they find that the hikers generally knew of the educational efforts but chose not to follow the recommendations, generally because they were running or jumping down the slope and decided that fun or speed was more important than preventing vegetation damage, soil erosion, and trail damage.
4. In these cases, when written and verbal education and warnings have been ineffective at changing behavior which causes adverse impacts to the resource, additional enforcement authority may be required to gain compliance. This designation gives that authority to park personnel.

Signed:

Jeff Mow
Superintendent

W42

November 1, 2002

Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.10(d), the Superintendent of Kenai Fjords National Park has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food sources only. Obtaining human food negatively alters behavior and nutrition of wildlife.
2. Both black and brown bears are common throughout the park. Bears are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
3. Bears are extremely susceptible to habituation to human food sources. Once they have learned to associate a site or item (e.g. campsite, dumpster, tent, kayak, etc.) with acquisition of food, they will return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.
6. While the nutritional impact on wildlife may vary depending on a number of factors, notably the percentage of the overall diet of the animal is made up of non-natural food and during what time of year, no impact is acceptable under National Park Service management policies.
7. Bears which become habituated to human food in this area are likely to be killed by humans in defense of life or property inside the park or on adjacent lands.

8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.
9. Steep terrain and ice limit habitable areas for wildlife and camping areas for humans. These areas frequently overlap, and increase the potential for negative human / wildlife encounters.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper storage and disposal of food and garbage have been undertaken by local, state, and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife / human conflict and impacts.
2. Recognizing that variations in environment and recreational activity require multiple food storage options, park managers have undertaken the following to assist visitors and make these conditions less onerous:
 - Professionally built metal food lockers have been installed at most commonly used camping beaches in the coastal backcountry.
 - Cables with hanging lines and pulleys have been installed on lesser used beaches.
 - Park supplied bear resistant food storage containers (BRFC) are available for free loan at park headquarters and through one or more water taxi companies in Seward annually.
 - A common walk-in food storage locker was built in the Exit Glacier Campground for free use of all campers.
3. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored in all areas of the park.
4. The food storage conditions imposed under this section allow a wide variety of storage options, including free loans of portable BRFC units, to make compliance less onerous.
5. We have considered the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under [5 AAC 84](#) - [5 AAC 92](#).

- Park employees lack authority to enforce this regulation directly, and would rely on state officers. Given limited state staffing in this area and other priorities, enforcement would be severely hampered.

- If we adopted the language of the state regulation into a park condition under this section, we would unreasonably force our enforcement officers to prove “negligence” in court. The threshold we seek to enforce is lower given our specific legal mandate to protect wildlife.
6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment and facilities to promote compliance, these conditions are the less restrictive required to fulfill the park mission of protecting wildlife and human safety.

Signed:

Jeff Mow
Superintendent